



OIS 11-008

Internal Affairs Division Report

Date of Occurrence: December 16, 2011

Involved Officer: Officer Gabriel Alcaraz #590

Incident Number: 111-006-404

San Francisco Police Department



To: Gregory Suhr
Chief of Police
San Francisco Police Department

APPROVED YES NO

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From: Lieutenant Robert Yick #1434
Commanding Officer
Internal Affairs Division

Date: June 23, 2014

Subject: **Officer Involved Shooting #11-008: Administrative Investigation**

Case Numbers: OIS 11-008
Case 111-006-494

Date of Occurrence: December 16, 2011
Time of Occurrence: Approximately 21:21 Hours
Place of Occurrence: 1 [REDACTED] Jerrold (near the intersection with Donahue Street)

Investigator: Sergeant Martha Juarez #1800

Incident Brief

On Friday, December 16, 2011, Officers Gabriel Alcaraz #590 (3C38K) and Michael Ellis #1994 (3C38M), assigned to Bayview Station's plainclothes investigations team, saw a car that matched the description of a carjacked vehicle parked in front of 1 [REDACTED] Jerrold Street. The officers activated the red lights on their unmarked police vehicle and approached the suspicious vehicle. The suspect, later identified as [REDACTED] ([REDACTED]), then drove forward and began to repeatedly ram the police vehicle. Officer Alcaraz got out his car and moved toward cover as the suspect accelerated forward again. Fearing that he was about to be hit, Officer Alcaraz fired once at the suspect. The suspect reversed once more, and when he moved forward, Officer Alcaraz fired three times at the driver. [REDACTED] was not hit and fled the scene. He crashed shortly afterward and was arrested.

Focus of Investigation

Did Officer Gabriel Alcaraz #590 use his Department-issued firearm in accordance with Department policy and procedure on the night of December 16, 2011?

Identified / Involved Parties:

Involved Member: Officer Gabriel Alcaraz #590 (3C38K)
Date of Hire: [REDACTED]
Birthdate (Age): [REDACTED] ([REDACTED])
Shift: [REDACTED]

Witnesses: Officer Michael Ellis #1994 (3C38M)
Date of Hire: [REDACTED]
Birthdate (Age): [REDACTED] ([REDACTED])
Shift: [REDACTED]

Suspect: Name: [REDACTED]
Sex/Race: Male/African American
Height/Weight: 5'11"/140 pounds
Birthdate (Age): [REDACTED] ([REDACTED])
Address of Record: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

At the time of this incident, [REDACTED] was on

[REDACTED]
[REDACTED]
[REDACTED].

Investigative Chronology:

Refer to Attachment A.

INVESTIGATIVE FINDINGS

The following investigative findings rely substantially upon interviews of involved Officer Gabriel Alcaraz #590 and witness Officer Michael Ellis #1994 that were conducted by Homicide Detail investigators (handling the criminal investigation memorialized in incident reports 111-006-391 and 110-006-404) and by Internal Affairs Division investigators (handling the administrative investigation of case number OIS 11-008). These findings are based on additional sources of information related to this incident, including the findings of the Inspector Brian Delahunty's criminal investigation and the Office of the District Attorney's review, as well as incident reports; written statements by responding officers and the victim; physical evidence; CSI reports and analysis; DEM CAD and audio records; and Force Science Institute findings related to human performance limitations.

Incident Overview

On Friday, December 16, 2011 at approximately 9:21 PM, Department of Emergency Management (DEM) Dispatchers received a 911 call from [REDACTED] victim, [REDACTED] reporting that [REDACTED] had just been carjacked at gunpoint at Revere and Ingalls, and the suspect had fled in [REDACTED] white 2011 Honda Accord. 3C15D (Officers Eric Tindall #2030 and Glenn Brakal #1763) responded to the scene as the primary unit, along with numerous additional Bayview units.

[REDACTED] provided further information to Dispatch, describing the suspect as a small to medium black male adult, 5'8", in his 30's, wearing a blue shirt and black pants. The victim said that the suspect was holding what appeared to be a gray gun. The victim further described [REDACTED] vehicle as a white 2011 Honda Accord, registered in [REDACTED] name and the partial plate [REDACTED]. DEM relayed this information to responding Bayview Units.

3C15D met with [REDACTED] in front of [REDACTED] residence, [REDACTED] reported that [REDACTED] car had tinted windows and that [REDACTED] kept a valet key in the car's glove box. While 3C15D was on scene with [REDACTED] a passerby reported seeing the stolen vehicle head toward Westpoint at a high rate of speed. 3C15D broadcast an updated vehicle description and direction of travel. Dispatch provided further information: the full license plate [REDACTED] of [REDACTED] vehicle.

Officers Gabriel Alcaraz #590 (3C38K) and Michael Ellis #1994 (3C38M)—assigned to Bayview Station’s plainclothes investigation team—were at the station completing arrest paperwork when this call was broadcast. The officers got into an unmarked, red Ford Crown Victoria—equipped with a blue and red pull-down light panel, siren, police radio, and MDT terminal—and heading to the Hunter’s Point area.

Officer Alcaraz was the driver, and Officer Ellis occupied the front passenger seat. Officer Alcaraz was wearing a black tee shirt, covered by a heavy, black hooded Adidas jacket, and jeans. His star was worn on a chain outside the jacket. On his person he carried his Department-issued firearm, a spare magazine, handcuffs, Yuwara stick, OC, and radio. Officer Ellis, wearing a green shirt and jeans, was similarly equipped. Officer Ellis’ star hung from a chain outside his tee shirt.

Officers Alcaraz and Ellis searched the lots and spaces in the areas of Ingalls Street, Kiska Road, George Court, Westpoint/Middlepoint, and Innes Street, eventually working onto southbound Donahue Street. The officers reached the intersection with Jerrold Avenue and turned right (westbound).

The officers almost immediately saw a parked vehicle, with headlights on, that matched the description of the stolen car. It was parked facing east, along the southern curb line, with headlights on. The rear of the car was butted up against the back end of a parked and unattended blue Ford pickup truck [REDACTED], facing west, approximately 184 feet from the intersection with Donahue.

Officer Ellis demanded the air, declaring a “Code 33,” and requested confirmation on the plate. Both officers observed someone moving within the vehicle and believed that they had located the vehicle and the suspect. They anticipated that the occupants would bail out of the vehicle and attempt to flee on foot.

In this area, Jerrold Avenue is a narrow (36’ wide) two-way street with an incline that ascends in the westbound direction. The suspect vehicle was uphill from the officers’, placing them in a disadvantageous position, should the suspect chose to run from the car or to otherwise resist them. Officer Ellis directed Officer Alcaraz to move a little closer to the suspect vehicle, and he flipped down the visor to expose their vehicle’s red and blue lights.

Officer Alcaraz activated the vehicle’s red emergency light, drove forward, and stopped approximately in front of [REDACTED] Jerrold, about 10-15 feet away from the suspect vehicle. As he stopped his vehicle, Officer Alcaraz was mindful that the suspect may be armed and dangerous, and that the conditions necessitated some tactical adaptation. In his administrative interview, Officer Alcaraz elaborated:

I know...I know it's not, you know, the greatest stop. I tried to [conduct a] felony stop, but at this point, I...I know the guy's in the car. I don't know if he has the...or not...the gun. The call is for a 221 [subject with a firearm] carjacking, and I don't want to go past him. I don't want to get shot. So I throw the car. I...when I come here, I step on the brake.

As their car stopped, Officer Ellis began to open his door and place his right foot on the pavement. Both officers became alarmed that no one exited the car when they pulled closer. He later stated that he had intended "to get out and go take them on."

The suspect, later identified as [REDACTED] suddenly accelerated forward (eastbound), steering his vehicle onto eastbound Jerrold Avenue. [REDACTED] who had an avenue of escape available to his right—accelerated to his left, toward the stopped police vehicle. The front of the suspect's Honda contacted front of the officers' vehicle, causing damage to both vehicles. The force was sufficient to knock Officer Ellis back into his seat. Officer Ellis described the first vehicle contact as "nose to nose" with their car.

The officers were stunned by [REDACTED] assault. Officer Alcaraz later recalled being surprised and frightened by the suspect's aggressive maneuver, thinking, "What the hell is this idiot doing!" In his IAD interview, Officer Ellis stated:

Well I had my door—my door handle—I had pulled it, and my door had disengaged, and I was getting ready to push it open and my foot was swinging out when he hit us the first time, and it knocked me back to my seat.

After hitting the police car, the suspect began to reverse the Accord, rapidly accelerating westbound while turning his steering wheel in a clockwise direction. The right rear of the Honda contacted the rear of the blue Ford pickup. [REDACTED] struck the parked truck with force sufficient enough to push the pickup truck backward. "At this point, I'm scared," Officer Alcaraz stated in his Homicide interview.

Officer Ellis got out of the car, drew his Department-issued firearm, and moved to the north side of the street, finding cover behind a white Pontiac TransSport minivan [REDACTED] parked and unattended on westbound Jerrold Avenue, approximately in front of [REDACTED] Jerrold. Officer Ellis told Homicide investigators:

I think Gabe—Officer Alcaraz—and I both had an ‘oh shit’ moment, and I tried to get myself out of the car. Because, at that point, I looked up—I was actually waiting to see people bailing out of the car and nobody bailed out of the car—but at that point I wanted to. [The blue Ford] truck has metal on the tailgate, and I saw white light illuminating on the tailgate, so it kind of registered in my mind that he was putting it in reverse. The car backed up and it made contact with the truck, and then the lights went off. And I heard the engine revving and so I felt as though he was going to ram us again. That’s when I headed over to this white car...

[REDACTED] started forward again, rapidly accelerating. Officer Alcaraz attempted to reverse his vehicle, but missed the “Reverse” gear when he shifted. [REDACTED] struck the police car a second time. Officer Alcaraz described this impact as stronger than the first. After hitting the police car, [REDACTED] again reversed.

Officer Alcaraz later talked about his difficulty getting his car into the proper gear. Realizing his dilemma, he thought, “Screw this. He can hit the car all he wants.” Anxious to seek cover, Officer Alcaraz abandoned his car and headed toward the south sidewalk. He had noticed a power pole and a retaining wall beyond the sidewalk that would provide him some cover. As he began to moving to cover, the loud revving of [REDACTED] engine caught his attention. Officer Alcaraz looked uphill and saw [REDACTED] Honda coming forward, this time veering right on course to bear down on him.

Now on Jerrold Avenue, moving from his vehicle to the south curb, Officer Alcaraz found himself exposed in path of the on-coming vehicle. He feared he was about to be run down by [REDACTED] whom he believed to be the armed suspect of an attempted carjacking and who had twice violently rammed Officer Alcaraz’s police vehicle. In his interview with Internal Affairs, Officer Ellis recounted his concern in observing his partner’s predicament.

This [area] was clear [of parked vehicles] and that’s what made me fearful for Gabe, because [REDACTED] did have...he did have the possibility of going right on the sidewalk, and Gabe had nowhere to go with the retaining wall and the car, our car.

Officer Alcaraz described his perspective of his situation in his own interview:

[The car came] straight at me. He is looking at me. I know the car is coming fast. It’s coming fast, and I don’t know if I’m going to make

it to [the] sidewalk, and just come up high. And...Mike and I said, 'Police, Stop.' And the car is still coming. It just happened so fast.

Officer Alcaraz drew his Department-issued firearm and turned toward the suspect. He took a two-handed grip and pointed his weapon at the driver. Fearing he was about to be injured or killed, Officer Alcaraz turned and fired one round at its driver, striking the windshield of the car. Officer Alcaraz stated that he turned to face the on-coming vehicle and employed a two-handed firing stance (the most practiced position of fire.) Officer Alcaraz later explained:

The first time I see the vehicle comin' at me, I felt threatened. Um, I fear...I...I fear for my life. Uh, I fear for, you know, getting hurt. And I...this is a subject that just carjacked a vehicle with a firearm. I heard what the initial call, uh, and information provided to us by Dispatch.

[REDACTED] yelled and abruptly stopped his car. He began to back up and attempted to turn the front of his car so that it faced west. In the course of doing this, the front end of the Honda contacted the front left side of the parked pickup truck, pulling off the front bumper of the Honda.

[REDACTED] effected a reverse turn, maneuvering the front end of his car in an attempt to cover 180 degrees. The movement used most of the width of Jerrold Avenue. The car travelled in a slow, inconsistently-paced pattern that Officer Ellis described as a "herky jerky" "four- or five-point" turn. The Honda worked across Jerrold Avenue, until its rear end contacted the left front end of the Pontiac minivan behind which Officer Ellis had taken cover.

The Honda stopped, facing in a roughly southwestern direction. [REDACTED] had his front wheels canted left, pointing back toward Officer Alcaraz's position. Suddenly, [REDACTED] drove forward (which would have put his vehicle in a counterclockwise motion), then steered to his right, in order to head westbound on Jerrold Avenue.

Both officers believed that the suspect driver had been critically hit by Officer Alcaraz's round and were surprised by the vehicle's unexpected surge forward from its stopped position. Officer Ellis told Internal Affairs investigators:

Now he's backed up again, and he's...he's not, uh, driving with a lot of aggressiveness now. He's going really slow, and I think he's been hit, and he's, like, expiring or something. Because it's a real slow U-turn, and I'm expecting him to just come to a rest right here. And

when he finally makes a U-turn, he takes off. And I'm kind of surprised, because I thought...I thought he'd been hit.

Officer Alcaraz, was 30-40 feet from the Honda, still in the same approximate position he had fired from (between his vehicle and the curb). Officer Alcaraz saw the Honda's tires pointed toward him and he heard the engine rev. He saw the Honda moving forward and believed that [REDACTED] was going to make another attempt to drive through his position. Fearing for his life, Officer Alcaraz fired three rounds at [REDACTED] striking the right side of the vehicle. In these excerpts from his Internal Affairs interview, Officer Alcaraz explains his second sequence of fire:

Then when [the suspect] starts going forward, he starts going forward slow...kind of slow. And the tires are still facing me, and the car's going slow, but the engine...I hear the engine revving. And I don't know if the transmission's not engaging or what, but he's just revving the engine and coming forward. And at that point, I feel the threat again. I discharge one more round...

And I discharge and I hit the lower corner of the door, the driver's door...

He...the guy is looking at me. The car is coming forward. I hear the engine revving...

The thing is that all this time the engine is revving. He's looking at me. The car is forward. I'm thinking he's coming back at me again...

And the...I fear, at that point, I was in fear for my well-being, my life. And, so there's the one discharge. I hit the door low. I correct, and I discharge my firearm again and hit the door twice at upper torso area.

[REDACTED] now facing west on Jerrold, drove forward slowly then stopped. Officer Alcaraz stated that he presumed the driver had been hit:

I see all the debris on the road and, you know, the car's really slow, and I'm thinking, 'he's injured,' this...you know, he's disabled. I mean the guy's, you know, can't do anything—can't move. Honestly...truth...I believe that he was...uh...the subject...that I did

hit him and he was dying, you know? And he's just...he can't move nothing. He was just...either he's dying or he's dead already.

Officer Ellis broke cover and attempted to approach the Honda, but [REDACTED] then accelerated quickly from the area, toward Northridge. Officer Ellis radioed dispatch and reported that shots had been fired, that their vehicle had been rammed, and that the suspect vehicle had fled at a high rate of speed toward Northridge Street.

Officers Alcaraz de-cocked and holstered his firearm, and the partners returned to their Crown Victoria, intending to pursue the fleeing suspect. Officer Alcaraz realized, however, that there was critical evidence in the area. Officer Alcaraz got out of the car to secure the crime scene. Officer Ellis moved to the driver's seat and attempted to locate the suspect. Officer Alcaraz provided updates via radio regarding scene conditions and directed responding units in order to preserve the scene and evidence.

Sergeants Scott Heidhorn #2015 and Sherman Lee #1386 arrived at the scene on Jerrold Street. Sergeant Heidhorn took a Public Safety statement from Officer Alcaraz. Officer Alcaraz was then transported back to Bayview Station and monitored by Tactical Division-assigned Officer Pete Schlegle #749 (4T4D). Officer Alcaraz remained monitored until he had the opportunity to meet privately with his POA attorney, Mr. Chris Shea.

[REDACTED] fled at a high rate of speed to Northridge Street. He lost control of his Honda north of the intersection Harbor Road, where he collided with two parked and unattended vehicles on the winding road in this area.

3C14E—Officers Eric Eastlund #1318 and Matthew Ortega #1979—was the first unit on the scene of this collision. Officers Eastlund and Ortega took [REDACTED] into custody. [REDACTED] initially continued to resist the officers, at first ignoring the commands of the officers to show his hands, before complying with their orders. [REDACTED] was handcuffed and Officer Eastlund conducted an arrest search of [REDACTED]. During this search, Officer Eastlund located and seized as evidence a gold-colored bullet fragment inside of [REDACTED] jacket.

[REDACTED] had not been struck by gunfire; however, he reported pain in his leg as a result of the collision. An ambulance was requested, and SFFD Medic 59 arrived on scene. The paramedics removed [REDACTED] jacket while conducting a medical evaluation of him, and a second gold-colored bullet fragment and a crack pipe fell out of the interior of [REDACTED] jacket. Officer Eastlund secured these items in place, as evidence.

A cold show was conducted at the Northridge Street scene, and the carjacking victim positively identified [REDACTED] as the man who'd stolen [REDACTED] Honda Accord. [REDACTED] was transported from the scene to SFGH where he was treated for a [REDACTED] suffered in the Northridge Street car accident. [REDACTED] blood was collected; it was subsequently analyzed, with [REDACTED]
[REDACTED] declined to give a statement to Homicide investigators.

The Department Operations Center was notified of the Officer-Involved Shooting (OIS) incident, and investigators from the Homicide Detail and the Internal Affairs Division responded to the scene, as well as the Office of Citizen Complaints and the District Attorney's Office. Homicide Inspector Brian Delahunty #2103 was the lead criminal investigator; IAD Sergeant Martha Juarez #1800 was the lead administrative investigator. Homicide investigators assumed command of the scenes and the incident investigation upon their arrival.

[REDACTED] was booked on numerous charges related to this incident, including:

- N/W 211 PC
- N/W 245(c) PC (2 counts)
- N/W 664/187 PC (2 counts)
- N/W 10851 VC
- N/W 496(a) PC
- 14601 VC

On March 19, 2012, [REDACTED] accepted a plea deal and pled guilty to felony 245(c) PC (Assault on a Police Officer Likely to Cause Great Bodily Injury) and misdemeanor 241 (c) PC (Assault on a Person Known to Be A Police Officer/Emergency Worker in Engaged in Their Duties).

Crime Scene

Crime Scene Investigations personnel responded the scenes on the 100 block of Northridge Street and the 100 block of Jerrold Avenue, including Sergeant Joshua Phillips #1697, Officer Gabriella Fischer #230, Officer Dennis Rodelas #729, and Officer Glenn Juco #4121. Officer Juco prepared a CSI report memorializing this response.

The report indicates that the weather on scene was clear and cool. The Jerrold Street scene, where the shooting occurred, is identified as a residential area, with lighting provided by street lights and light fixtures on the adjacent houses.

The CSI officers recorded, photographed, collected, the identified evidence and processed the scenes at Jerrold Avenue and Northridge Street. Evidence collected from Jerrold Avenue included:

- Four (4) Winchester .40-caliber S&W cartridge casings;
- One (1) copper jacketed bullet fragment;
- A white front vehicle bumper;
- A fog lamp assembly;
- White paint fragments (off the officer's red Crown Victoria).

At the Northridge Street scene, collected evidence included:

- Two (2) copper jacketed bullets;
- A crack pipe;
- [REDACTED] black leather jacket, green sweater, and black tee shirt.

Traffic Division Officer Thomas King #2175 (4B6D) responded to the scenes and prepared diagrams at both Jerrold Avenue and Northridge Street.

The suspect's Honda Accord and the officers' Ford Crown Victoria were impounded with holds for the Homicide Detail and towed to the Auto Return CSI lot. The cars were photographed and processed. DNA and trajectory analysis data were collected from the Honda. DNA was obtained from the air bag in the Honda.

At Bayview Station, Officer Alcaraz's Department-issued .40-caliber Sig Sauer P226 handgun (serial # [REDACTED]) and two magazines were collected by Officers Juco and Rodelas. SFPD Range staff replaced Officer Alcaraz's firearm and magazines at the time they were collected by CSI.

A live cartridge was found to be chambered in Officer Alcaraz's weapon. The Sig Sauer 40-caliber, 12-round capacity magazine that had been loaded in this weapon was subsequently examined and determined to contain eight (8) live cartridges. The backup Sig Sauer .40-caliber, 12-round magazine was found to be fully loaded with twelve (12) cartridges. Officer Alcaraz's weapon was determined to be functional, and trigger pull was within manufacturer's specifications.

Homicide investigators obtained a search warrant for [REDACTED] DNA. No suspect firearm was located; it was concluded that [REDACTED] had simulated the weapon in order to car jack the Honda.

Computer assisted Dispatch (DEM) Records and Recordings

Investigators obtained certified copies of CAD records and audio recordings from DEM related to this incident. These records provide information about the speed and order at which activity on Jerrold Avenue and Northridge Street occurred.

At 21:30:00, Officer Ellis radioed to confirm the plate on the suspected carjacked vehicle. A moment thereafter, the officers pulled forward and to “take on” the driver. Within 22 seconds of requesting the plate confirmation, Officer Ellis keyed his mike to report that shots had been fired and the suspect had fled toward Northridge Street at a high rate of speed.

The following excerpts, taken from the DEM records and recordings, are significant moments in the flow of this incident:

Computer assisted Dispatch (DEM) Records and Recordings

- 21:21:09** Dispatch puts out a Robbery/Carjacking call, including information that the suspect is armed with a gun and took the victim's white 2011 Honda Accord. The suspect is described as a black male, 30's, 5'8, small to medium build, blue shirt and black pants. Suspect
- 21:22:42** Officer Alcaraz (3C38K) and Officer Ellis (3C38M) notify Dispatch that they are responding to the area.
- 21:29:37** **3C38M :** *Code 33 on Jerrold at Donohue, we have the carjacked vehicle here.*
- 21:30:00** **3C38M:** *Confirming the plate, is it [REDACTED]*
- 21:30:22** **3C38M:** *Shots fired. High rate of speed. The vehicle is fleeing towards Northridge.*
- 21:31:00** **3C38M:** *He rammed our vehicle, both officers [stepped on] There were few shots fired. One black male wearing a black beanie, black zip up jacket with white stripe on the sleeves.*
- 21:31:28** **3C14E** *“Clear the air. Clear the air, dispatch. Have two at gunpoint.”*
- 21:31:43** **3C14E** *In front of [REDACTED] Northridge.*
- 21:32:04** **3C14E** *Send a 408 (paramedics) [REDACTED] Northridge.*

21:32:18 3C14E *Taking one into custody*

21:32:40 3C14E *Code four [sufficient help]; one suspect in custody.*

Criminal Investigation

Upon notification of the Officer Involved Shooting, the Homicide Detail of the San Francisco Police Department initiated a criminal investigation into the incident. The investigation was led by then-Inspector Brian Delahunty. Acting Lieutenant Daniel Dedet #101, and Inspectors John Cagney #341, Thomas Newland #2136, and Michael Philpott #65, of the Homicide Detail, responded to assist with the investigation.

Inspector Delahunty's investigative summary report and the District Attorney's findings were obtained and reviewed as part of the administrative investigation.

Homicide Detail Interviews

Officers arriving at the scenes canvassed the areas for additional victims, witnesses, and evidence. Officer Ellis and [REDACTED] were the only witnesses to the Officer-Involved Shooting that were located, identified, or interviewed.

For purposes of their criminal investigation, Homicide investigators interviewed Officers Alcaraz and Ellis. The interviews were conducted by Inspector Brian Delahunty #2103 and Inspector Thomas Newland #2136, both assigned to the Homicide Detail, on the morning of the incident. Also present to assist in these interviews from the Office of the District Attorney of San Francisco were Assistant District Attorney Michael Swart and District Attorney Investigator David DiFranco.

The officers provided their interviews voluntarily. Both officers were represented at their Homicide interview by POA Attorney Chris Shea. Their Homicide interviews were remotely observed by Sergeants Martha Juarez #1800 and Michael Nevin #166 of the SFPD Internal Affairs Division.

It should be noted that in the course and scope of this administrative investigation, Sergeants Juarez and Nevin conducted separate interviews of the officers. Both officers were represented at their respective administrative interviews by Mr. Shea. For their IAD interviews, both officers were taken back to the 100 block of Jerrold, along with Mr. Shea, in order to gain a better understanding of the environment and dynamics of this encounter.

In total, four interviews of the two officers were conducted, including a bifurcated administrative interview that was started on Jerrold Avenue and concluded at the Internal Affairs office. Throughout these interviews, the officers' accounts were factually consistent, and their recollections were largely consistent with one another, as well as with forensic evidence and testimony developed in this investigation. The accounts provided by the officers are incorporated in the incident summary above.

In reviewing all of the conducted interviews, there is slight discrepancy in the officers' accounts relating to the number of times that [REDACTED] initially contacted the unmarked police vehicle and at what point Officer Ellis exited the car to seek cover.

In his accounts, Officer Ellis is inconsistent on how many times [REDACTED] rammed the front of the Crown Victoria. He states in his Homicide interview that he was unsure of how many times their car was rammed before he exited. He also states that he got out of the car the first time the car was hit, but in other parts of his interview, he mentions that second ramming.

Officer Alcaraz, the driver, is firm and clear that his car was rammed twice by [REDACTED] and then he exited the vehicle. His interviews suggest that he believes that he and Officer Ellis exited their car at the same time.

Both officers expressed surprise and alarm when [REDACTED] rammed their vehicle. The officers' attention was suddenly captured by the threat posed by [REDACTED] and by their nearest cover. (Both officers described identifying a nearby position of cover in the initial stages of the incident, toward which each officer ultimately moved.) Officer Alcaraz had the additional burden of attempting to operate the vehicle, which further divided his attention. Less likely to have captured their attention were the actions of the partner officer, whom neither Officer Alcaraz nor Ellis considered a threat.

An officer most effectively remembers and can report on the object of his focus. Chapter 11, “Memory,” in the California Training Institute text Human Factors: Threat & Error Management (Version 9, January 2013), overviews the physiological process of memory development and biological factors that may affect it. Page 167, states, “The reason we did not remember some of the things in the picture is because we were not focusing or attending to them. If you do not attend to something, you will not process it, if you do not process it, the piece of information will not make it into your memory.”

Officer Ellis—who was in the act of exiting the vehicle when they were first rammed—recounted getting out of the car following [REDACTED] first assault, then moving to cover behind the white Pontiac TransPort minivan parked against the north curb of Jerrold Avenue. Officer Ellis' memory is impacted by his focus at the time of the incident upon the threatening assault and his need for cover. He is aware, and did register, that [REDACTED] rammed the unmarked Crown Victoria a second time, but because it was not a focus for him, there his memory is unclear with respect to where he was at the time of occurrence.

Officer Alcaraz distinctly recalls being behind the wheel and attempting to stop and park at the time of the first ramming, and failing to reverse at the time of the second ramming. Officer Alcaraz then abandoned the car and sought cover elsewhere after his failed attempt to get his vehicle in “Reverse,” just ahead of the second ramming assault. His recollection that Officer Ellis was in the vehicle for both assaults is likely based on the fact that his attention was not captured by Officer Ellis’ exit from their vehicle, because his focus would have been shifting from the oncoming threat and the operation of his vehicle.

Similarly, Officer Alcaraz’s memory was impacted by the threat posed by [REDACTED] his need for cover, and his difficulties operating his vehicle. He had likely specifically recorded that Officer Ellis was in the car, because the exit of Officer Ellis was not a point of focus for Officer Alcarez. Logically, however, he knew that Ellis had been beside him, and that Ellis had gotten out of the car. The subconscious process of memory confabulation occurs when false memory is inserted, based on logic and experience, to bridge gaps in recorded memory.

The officers also differed in their estimates of how close they had approached [REDACTED] vehicle when they finally stopped. Alcaraz placed the distance at 20 feet, while Ellis thought it was closer to a 10-foot distance. A variation in estimation of distance such as in this instance is not uncommon, particularly when the observer is under stress and has a deliberative focus upon an object, such as a particular person, vehicle, or weapon. The distance is likely in between 10 and 20 feet, as documented in the findings of the District Attorney, roughly a car length from the suspect vehicle.

Findings of the District Attorney

The Office of the District Attorney was notified of the Officer Involved Shooting and initiated an investigation on December 16, 2011. Investigators from the Office of the District Attorney responded to the scene and participated in the criminal interviews.

The investigative findings of the Homicide Detail were reviewed by the Office of the District Attorney—in addition to the findings of their own investigation—for consideration of any possible criminal charges.

On December 11, 2013, Assistant Chief District Attorney June Cravett issued a charging decision letter on behalf of District Attorney George Gascón. In declining to charge the Officer Alcaraz in this matter, the letter summarizes the findings of the District Attorney's investigation and review of the criminal investigation and relevant law. The summary letter concludes as follows:

The facts in the present case indicate Officer Alcaraz fired at [REDACTED] when he saw that [REDACTED] who had already rammed the police car twice with Officers Alcaraz and Ellis still inside, was now driving toward him—after Officer Alcaraz had exited the police car but before he had reached a point of safety. Officer Alcaraz believed that [REDACTED] was going to run him over. After he fired, Officer Alcaraz saw [REDACTED] driving forward again, turning in a counter-clockwise direction, going directly toward him. Officer Alcaraz believed that [REDACTED] was going to drive onto the sidewalk in an effort to run him over. Still in fear for his safety, Officer Alcaraz yelled, “Stop!” and then fired three more times at [REDACTED]. Officer Alcaraz reasonably believed he was in imminent danger of great bodily injury or death each time he fired his weapon at [REDACTED].

It was reasonable for Officer Alcaraz to fire at [REDACTED] to protect himself. It is our conclusion that Officer Alcaraz acted lawfully.

Administrative Investigation

Upon notification of the Officer Involved Shooting, the Internal Affairs Division of the San Francisco Police Department initiated an administrative investigation into the incident. The investigation was initially led by Sergeant Martha Juarez #1800. Sergeant Juarez responded to the scenes at Jerrold Avenue and Northridge Street on December 16, 2011. Lt. Robert Yick #1264 and then-Sergeant Michael Nevin #166 also responded to the scene from IAD.

When Sergeant Juarez's loan to Internal Affairs concluded, Sergeant Juarez's case file was reassigned to Sergeant Simon Kim on February 27, 2012. When Sergeant Kim's loan concluded, the case file was reassigned to Sergeant John Crudo #1694.

Sergeant Juarez's investigative chronological, administrative interviews, notes, and preliminary report were reviewed in the preparation of this summary report. I also consulted separately with Sergeant Juarez, Lieutenant Nevin, and Sergeant Cristina Franco (assigned to IAD, who provided assistance during the administrative interview), regarding their observations and considerations with respect to this administrative case. I also spoke to Lieutenant Delahunty to obtain a briefing from the criminal investigator.

Internal Affairs Division Interviews

On December 22, 2011, Sergeant Juarez conducted compelled interviews of Officer Alcaraz and Officer Ellis. Although Officer Ellis was interviewed as a witness officer, both Officers were represented at their interviews by their POA attorney, Mr. Chris Shea. Prior to his walk-through, Officer Alcaraz was advised of his peace officer rights and provided a Lybarger Admonition.

Sergeant Juarez conducted separate audio-recorded walk-through interviews with the officers on the 100 block of Jerrold Avenue, in order to better understand the dynamics and environment in this fluid encounter. These walkthroughs were conducted in daylight conditions, using vehicles to gain a better understanding of the approximate positional relationship of the officers and suspect during the incident. Sergeant Nevin accompanied Sergeant Juarez, Mr. Shea, and the officer, at the scene, assisting in her interview. Sergeant Franco provided logistical assistance at the scene, and Sergeant Juarez took photographs.

Following his walk-through interview, Officer Alcaraz returned to the office of the Internal Affairs Division, where Sergeant Juarez concluded her interview of the involved officer. Mr. Shea represented Officer Alcaraz at this follow-up interview.

Post-Discharge Actions

Officer Alcaraz was placed on administrative assignment immediately following his discharge, in accordance with Department policy, as set forth in Department General Order 8.11.G.4, as follows:

Officers who discharge a firearm in an officer-involved shooting will be reassigned to his or her respective Bureau Headquarters. Officers shall not return to regular assignment for a minimum of 10 calendar days. This reassignment is administrative only and in no way shall be considered punitive.

While on administrative assignment, Officer Alcaraz responded to the San Francisco Police Department's Regional Training Center on December 21, 2011 for a post-discharge force options debrief. Sergeant Kirk Tomioka #364 conducted this debriefing, and Officer Alcaraz satisfactorily completed three use of force scenarios.

Officer Alcaraz completed a mandate Critical Incident Response Team (CIRT) debriefing at the Behavioral Science Unit on December 21, 2011. Sergeant Mary Dunnigan #99 supervised this debrief.

Officer Alcaraz responded to the Lake Merced Range on December 22, 2011 for a post-discharge weapon debrief. Officer Nicholas Shihadeh #1612, assigned to the Academy/Range, conducted this debriefing, reviewing the proper manipulation of his replacement firearm and related Department policies and procedures

On December 23, 2011, Acting Deputy Chief Albert Pardini convened a Return to Duty panel to consider whether to recommend to Chief Suhr the return of Officer Alcaraz to his regular assignment. Sergeant Daniel Dedet, who had been the acting Lieutenant at the time of the incident, provided a summary of the initial findings of the criminal investigation. The panel recommended the return of Officer Alcaraz to his regular duties, and forwarded their recommendation to Chief Suhr.

Chief Suhr concurred with the Return to Duty panel's recommendations. A letter informing the Police Commission, dated December 29, 2011, was sent to Police Commission President Thomas Mazzucco. The Chief's decision was presented to the Police Commission on January 4, 2012, after which Officer Alcaraz was returned to his regular assignment.

Conclusion

The focus of this administrative investigation is whether Officer Gabriel Alcaraz #590 discharged his Department-issued firearm on December 16, 2011 in accordance with San Francisco Police Department policy and procedure.

The criminal investigations, conducted by the San Francisco Police Department Homicide Detail and by the Office of the District Attorney of the City and County of San Francisco, concluded that Officer Alcaraz had acted lawfully on December 16, 2011. Assistant Chief District Attorney June Cravett specifically noted in the D.A.'s charging decision that, "Officer Alcaraz reasonably believed he was in imminent danger of great bodily injury or death each time he fired his weapon at [REDACTED]

The administrative investigation considered the criminal investigative findings, statements, and evidence, as well as applicable San Francisco Police Department policies and procedure, with particular attention paid to Department General Orders 5.01, *Use of Force* and 5.02, *Use of Firearms* (revised March 16, 2011).

Policy Review

Department General Order 5.01, *Use of Force* sets forth the conditions under which force may be used by San Francisco Police Officers to protect individuals from injury by another person, to prevent the commission of a crime, to overcome resistance, and to prevent escape.

Section D of DGO 5.01, *Use of Force* identifies the authorized force options for the San Francisco Police Department.

D. CATEGORIES OF FORCE TO EMPLOY (In ascending order of gravity)

1. When the use of force is necessary and appropriate, officer shall, to the extent possible, utilize an escalating scale of options and not employ more forceful measures unless it is determined that a lower level of force would not be adequate, or such a level of force is attempted and actually found to be inadequate. The scale of options, in order of increasing severity, is set forth below:
 - a. Verbal Persuasion
 - b. Physical Control (e.g, passive resister, bent wrist control, excluding the carotid restraint
 - c. Liquid Chemical Agent (Mace/Oleoresin Capsicum)
 - d. Carotid Restraint
 - e. Department Issued Baton
 - f. Firearm
2. It is not the intent of the order to require officers to try each of the options before escalating to the next. Clearly, good judgment and the circumstances of each situation will dictate the level at which an officer will start. Officers using any type of force are accountable for its use.

Section E of DGO 5.01, *Use of Force* defines reasonable force and reiterates the right of an officer under Section 835a of the California Penal Code to use reasonable force to effect and arrest, prevent escape, effect or overcome resistance.

E. REASONABLE FORCE

1. Officers must frequently employ the use of force to effect arrests and ensure the public safety. It is not intended that any suspect should ever be allowed to be the first to exercise force, thus gaining an advantage in a physical confrontation. Nothing in this order should be interpreted to mean that an officer is required to engage in prolonged hand-to-hand combat with all its risks before resorting to use of force that more quickly, humanely, and safely brings an arrestee under physical control.
2. Penal Code Section 835a provides that, “*Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance of the person being arrested; nor shall such officer be deemed the aggressor or lose his/her right to self defense by the use of reasonable force to effect the arrest, or to prevent escape, or to overcome resistance.*” [Italicized text is the author’s, as in the printed order.]

Section F of DGO 5.01, *Use of Force* enumerates when and how force may be justifiably used by San Francisco Police Officers.

F. CIRCUMSTANCES JUSTIFYING THE USE OF FORCE

3. Officers may use force in the performance of their duties in the following circumstances:
 - a. To prevent the commission of a public offense.
 - b. To prevent a person from injuring himself/herself.
 - c. To effect the lawful arrest/detention of persons resisting or attempting to evade that arrest/detention.
 - d. In self defense or in the defense of another person.

4. Before using force, the officer should consider these questions:
 - a. What actions on the part of the suspect justify the use of force?
 - b. What crime is being or has been committed?
 - c. Does the situation require the immediate use of force?

Department General Order 5.02, *Use of Firearms* sets forth how and when San Francisco Police Officers are permitted to draw and utilize a firearm.

Section 1.B HANDLING AND DRAWING FIREARMS sets forth the conditions under which an officer may draw his firearm, as follows:

1. HANDLING FIREARMS. An officer shall handle and manipulate a firearm in accordance with Department-approved firearms training. An officer shall not manually cock the hammer of the Department-issued handgun to defeat the first shot double-action feature.
2. AUTHORIZED CIRCUMSTANCES. An officer may draw or exhibit a firearm in the line of duty when the officer has reasonable cause to believe it may be necessary for his or her own safety or for the safety of others. When an officer determines that the threat is over, the officer shall holster his or her firearm or hold the shoulder weapon in port arms position pointed or slung in a manner consistent with Department-approved firearms training. If an officer points a firearm at a person and the person is not arrested, and if the circumstances permit, the officer should tell the individual the reason the officer drew the firearm.
3. DRAWING OTHERWISE PROHIBITED. An officer shall not draw a Department-issued firearm except as authorized by this order, for inspection by a superior, maintenance, safekeeping, or Department-approved training.

Department General Order 5.02, *Use of Firearms*, Section I.C.1 PERMISSIBLE CIRCUMSTANCES enumerates the circumstances in which an officer is permitted to fire his weapon.

C. Discharge of Firearms

1. PERMISSIBLE CIRCUMSTANCES. Except as limited by sections C.4 and C.5, an officer may discharge a firearm in any of the following circumstances:
 - a. In self-defense when the officer has reasonable cause to believe that he or she is in imminent danger of death or serious bodily injury.
 - b. In defense of another person when the officer has reasonable cause to believe that the person is in imminent danger of death or serious bodily injury. However, an officer may not discharge a firearm at a person who presents a danger only to him or herself, and there is no reasonable cause to believe that the person poses an imminent danger of death or serious bodily injury to the officer or any other person.
 - c. To apprehend a person when both of the following circumstances exist:
 - (1) The officer has reasonable cause to believe that the person has committed or has attempted to commit a violent felony involving the use or threatened use of deadly force; and
 - (2) The officer has reasonable cause to believe that a substantial risk exists that the person will cause death or serious bodily injury to officers or others if the person's apprehension is delayed.
 - d. To kill a dangerous animal. To kill an animal that is so badly injured that humanity requires its removal from further suffering where other alternatives are impractical and the owner, if present, gives permission.
 - e. To signal for help for an urgent purpose when no other reasonable means can be used.
2. VERBAL WARNING. If feasible, and if doing so would not increase the danger to the officers or others, an officer shall give a verbal warning to submit to the authority of the officer before discharging a firearm.
3. REASONABLE CARE. To the extent practical, an officer shall take reasonable care when discharging his or her firearm so as not to jeopardize the safety of innocent members of the public.

5. MOVING VEHICLES. The following policies shall govern the discharge of firearms at or from a moving vehicle or at the operator or occupant of a moving vehicle:

- a. At a Moving Vehicle. An officer shall not discharge a firearm at a moving vehicle with the intent to disable the vehicle.
- b. From a Moving Vehicle. An officer shall not discharge a firearm from a moving vehicle unless the officer has reasonable cause to believe there is an imminent danger of death or serious bodily injury to the officer or to the others.
- c. At the Operator or Occupant of a Moving Vehicle. Discharging a firearm at the operator or occupant of a moving vehicle is inherently dangerous to officers and the public. Disabling the operator will not necessarily eliminate an imminent danger of death or serious bodily injury. Further a moving vehicle with a disabled operator may crash and cause injury to innocent members of the public or officers. Accordingly, it is the policy of the Department that **officers are prohibited from discharging their firearm at the operator or occupant of a moving vehicle except in the narrow circumstances set in this subsection (c).** An officer shall not discharge a firearm at the operator or occupant of a moving vehicle, except under the following circumstances: [Bold text is the author's, as in the printed order.]
 - (1) If the operator or occupant of a moving vehicle is threatening the officer with imminent death or serious bodily injury by means other than the vehicle itself.
 - (2) If the operator of the moving vehicle is threatening the officer with imminent death or serious bodily injury by means of the vehicle, and the officer has no reasonable or apparent way to retreat or otherwise move to a place of safety.
 - (3) In defense of another person when the officer has reasonable cause to believe that the person is in imminent danger of death or serious bodily injury.
 - (4) To apprehend a person when both of the following circumstances exist:

- (a) The officer has reasonable cause to believe that the person has committed or has attempted to commit a violent felony involving the use or threatened use of deadly force; AND
 - (b) The officer has reasonable cause to believe that a substantial risk exists that the person will cause death or serious bodily injury to officers or others if apprehension is delayed.
- d. In reviewing incidents involving the discharge of firearms from a moving vehicle or at an operator or occupant of a moving vehicle, the Department will consider the totality of the circumstances, including but not limited to whether the officer or others were in imminent danger of death or serious bodily injury and whether the officers who were present employed tactics consistent with Department-approved training.

Analysis Concerning Officer Alcaraz's Second Sequence of Fire

The total review and recommended conclusion regarding Officer Alcaraz's second sequence of fire is factored in training related to biomechanics and human performance in Lethal Force Encounters and other considerations. This recommendation took into account the following considerations:

1. In his interviews, Officer Alcaraz described experiencing physical manifestations consistent with a person attempting to function in a dangerously high state of stress-induced arousal.
 - a. Factors can influence the level of arousal: the perceived risk posed by a threat, the perceived malice intent behind a threat, the level of experience with a specific threat, the level of confidence in skill and training, and the degree of physical and mental fatigue. When an officer believes a suspect is intent upon killing him, the officer will perceive a high survival threat, resulting in a higher arousal level.
 - b. Arousal is controlled by the limbic system of the brain and refers to nervous system activation. It is a consequence of stress, causing the involuntary release of hormones and neurotransmitters to handle the perceived threat. This is the Hypothalamic-Pituitary-Adrenal (HPA) response, commonly called the "Flight or Fight" response. The level of arousal is proportional to the perceived threat; the greater the perceived threat, the greater the response.

- c. The chemicals released from the HPA response prepare the body to respond to the perceived threat. It activates the body's Sympathetic Nervous System (SNS), which diverts blood from internal organs to large muscle groups. Cognitive processing transfers from the high level forebrain (frontal lobe)—responsible for high order thinking, problem solving, planning—to the limbic system, which handles practiced routines, and the brain stem, where no conscious thought is processed.
- d. The HPA response produces physical symptoms, such as increased heartbeat, respiration changes, narrowing of vision, and altered hearing. Senses, coordination, and cognitive skills may be affected, as chemical resources are reallocated. These symptoms and effects provide insight with respect to the level of arousal of the individual.
- e. Researchers, such as the Force Science Institute, have classified specific levels of arousal based upon exhibited and articulated symptoms. These levels may be used by investigators to ascertain the impact that the HPA response would have on a person's capabilities. The Force Science Institute defines five zones of arousal (with common corresponding heartbeats per minute—HBPM—ranges indicated):
 - White: Low arousal, complacency; poor performance (65-85)
 - Yellow: Moderate arousal, basic readiness; fair performance (85-115)
 - Red: Optimal arousal; good performance in critical tasks (115-145)
 - Gray: Overwhelming arousal; deterioration in performance (145-175)
 - Black: Panic; catastrophic breakdown (175-220)
- f. Officer Alcaraz mentioned a little difficulty stopping his vehicle when approaching [REDACTED] position. His spatial acuity was affected, based upon his descriptions in his Homicide interview, compared to the administrative walkthrough. After being rammed, clumsiness prevented him from shifting his vehicle in "Reverse," indicating increasing difficulties with his fine-to-gross motor skills. After being rammed twice, he had difficulty conceiving a tactical plan more complex than 'abandon ship' ("Screw this. He can hit the car all he wants.") Officer Alcaraz was unaware that Officer Ellis had already gotten out of the vehicle, indicating a narrowing visual perception. When he fired at the on-coming suspect, he assumed the most-practiced two handed grip, "resorting to training," relying on well-rehearsed motor programs and automatic processes. Although the total duration of the incident and the subset of time between his two discharges (corroborated by Officer Ellis' account) indicate the rapid, dynamic nature of the encounter, Officer Alcaraz describes a very

slow and detailed retreat by the suspect following his initial shot, suggesting that he was experiencing temporal distortion (tachypsychia).

- g. Based on identified indicators as those listed in f., Officer Alcaraz appears to have reached a high Gray to low Black level of arousal by the time he fired the first round.
2. Officer Alcaraz did *not* create his own exigency.
 - a. Officer Alcaraz attempted to move to cover and was only stopped because of the actions of the suspect.
 - b. Officer Alcaraz fired once in his first sequence. He stopped when he perceived that the immediate threat posed by [REDACTED] was abated, because the suspect had stopped his advance and started retreating.
 - c. Based on the manner of his clockwise retreat, both Officers Alcaraz and Ellis both believed that he had been mortally struck.
 - d. While [REDACTED] was retreating and steering the front of his vehicle to the west, his path was away from Officer Alcaraz, and moving to the northwest side of Officer Alcaraz's parked and unattended vehicle.
 - e. Officer Alcaraz did not step around his vehicle or approach the front of the suspect's car.
 - f. Officer Alcaraz's police vehicle was parked and unattended, occupying a position in between where Officer Alcaraz was positioned and where [REDACTED] retreating, turning vehicle was heading.
3. Officer Alcaraz did not complete his movement to the retaining wall and failed to reach the initially identified cover; however, the imposed conditions adversely impacted his ability to do so.
 - a. Officer Alcaraz had arrived at a dangerously high state of arousal, very likely between the Gray (145-175 HBPM) and Black (175-220 HBPM) levels defined by the Force Science Institute.
 - b. Under high stress conditions, the release of adrenaline and cortisol inhibit electrical-chemical transmissions. Parts of the brain slow down or switch off, making areas of the brain inaccessible. The information in these can be effective and can result in delayed reactions or freezing up altogether. At

approximately 145 hormone-induced HBPM, response delay begins. At approximately 175 hormone-induced HBPM, “lock ups” may occur.

- c. Officer Alcaraz had narrow external focus on the canted wheels of [REDACTED] vehicle when it was at rest. Just as officers are trained to watch hands, Officer Alcaraz recognized the wheels as a threat indicator.
- d. Officer Alcaraz believed that [REDACTED] had been mortally wounded. He stated that he was thinking that he would have to provide aid to the shot suspect. This presented a conscious decision for Officer Alcaraz at a moment when he was unable to effectively process it: continue to move to cover from a retreating vehicle or prepare to take its injured driver into custody? Was [REDACTED] still a threat or was he a gravely wounded person? According to “Hick’s Law,” the greater the number of possible response options, the slower the reaction time. In clinical lab conditions, simply having just one more choice of action nearly doubles the response time. This would be significantly greater under the effect of a severe HPA response in the course of a rapidly evolving, fluid encounter.
- e. The widest timeframe of this episode is 22 seconds. This timeframe is set on one end by the time that Officer Ellis radioed for plate confirmation and on the other end by the time he notified Dispatch of the OIS. The timeframe from when the officers initially approached [REDACTED] to when the suspect accelerated toward Northridge would necessarily be under 22 seconds. Bearing in mind that Officer Alcaraz endured two violent rammings before abandoning his vehicle, then running toward the sidewalk before first firing his weapon, the timeframe between when Officer Alcaraz fired his first sequence and his second appears to be a small portion of this less than 22-second event. Although Officer Ellis was undoubtedly suffering his own stress-induced effects, his description of the four shots he heard is noteworthy. When asked about the sequence of fire in his Homicide interview, Officer Ellis answered “It was one, two, three, four.” Inspector Newland asked, “So a pause between one and two?” Officer Ellis answered, “Yeah. A short one.” This testimony reinforces the very quick, dynamic nature of this encounter. Officer Alcaraz’s two discharges occupy a small subset of the 22-second total time of occurrence.
- f. According to materials on “Stress and Performance,” from the California Training Institute, “if you run into a situation for which you have no stored, immediately available pre-programmed motor response developed, it can take your brain 8-10 seconds to develop and implement a new

response. This can be the difference between living and dying in a lethal force type encounter.” In other words, if you can’t revert to training, and have to improvise a tactical solution, it will take about 9 seconds to develop the plan.

- g. A full adrenaline and cortisone dump, which occurs at the highest level of HPA response (Force Science Institute’s Gray and Black zones), is designed to instantly maximize strength and reaction levels. Within 2 seconds of such an emergency dump, a person is at 100% capability. However, there is nearly instant degradation, with abilities reduced to 55% within 30 seconds, and 31% within 90 seconds. Three minutes rest is required before any more adrenaline and cortisone can become available.
 - h. Under the described conditions, it appears that Officer Alcaraz had neither the time nor capacity to effectively move to cover *and* process the additional information flowing to him, such as the possible condition of the suspect, the level of threat posed, and the plan for safe approach and apprehension of a wounded suspect. This would be consistent with a significant, innate, stress-induced HPA response and chemical dump. Officer Alcaraz intended to move to cover. Officer Alcaraz attempted to move to cover. Officer Alcaraz was prevented from getting to cover because of the actions of the suspect. Based on these considerations, Officer Alcaraz was denied the cognitive and physiological means to continue his move to a place of safety.
4. Although, in direct response to questions posed by Sergeant Juarez, Officer Alcaraz stated that he fired the second sequence in self-defense, he provided ample articulation in the totality of his statements to Internal Affairs and to the Homicide Detail that this discharge also conformed with DGO 5.02, Section I.C.1.c, and to exceptions related to the prohibition of shooting at the operator of a motor vehicle, as enumerated in Section I.C.5.c.(4).
 - a. Officer Alcaraz was aware that the suspect was believed to have committed an armed carjacking that was reported less than ten minutes before he and Officer Ellis contacted him.
 - b. Officer Alcaraz further knew that the suspect had rammed his police vehicle, which was displaying a flashing red light, twice head-on in a deliberate and wanton manner.
 - c. Officer Alcaraz also knew that the suspect had intentionally steered his vehicle toward the officer as he attempt to move to cover. It was

[REDACTED] third, and most direct, deadly assault against Alcaraz since the officers had arrived on scene.

- d. [REDACTED] had demonstrated his propensity for violent action and his reckless disregard for the deadly peril he was inflicting upon officers and the public.
- e. Officer Alcaraz believed that the [REDACTED] had operated his vehicle in a vicious and reckless manner, and it was quite likely that [REDACTED] would again threaten officers and the public with serious bodily injury or death if his apprehension was delayed.

Conclusion Summary

After examination of the totality of this incident, the relevant policy, the investigative conclusions, and other considerations described in this report, it is concluded that on December 16, 2011, based on a preponderance of the evidence:

- Officer Gabriel Alcaraz #590 reasonably perceived that he was at risk of death or serious bodily injury when [REDACTED] believed to be an armed carjacking suspect, steered his stolen car toward Officer Alcaraz, while the officer was attempting to run to an identified position of cover. This occurred after [REDACTED] had violently rammed Officer Alcaraz's police car head-on while he was behind the wheel. Officer Alcaraz's drawing and exhibition of his weapon was **in accordance with DGO 5.02, Section I.B.2.**
- Suspect [REDACTED] intentionally steered his stolen vehicle in the direction of Officer Alcaraz, who was exposed as he attempted to flee from his rammed vehicle to a position of cover. [REDACTED] was in the act of assaulting Officer Alcaraz, using his vehicle as a deadly weapon, and he had already shown a propensity for violent action. Officer Alcaraz fired his weapon once at the driver of the on-coming vehicle, in his necessary self-defense from *immediate* danger of death or serious bodily injury, **in accordance with conditions set forth in Department General Order 5.01, Use of Force, Subsections I.F.1.c and I.F.1.d and DGO 5.02, Section I.C.1.a, and conforming to exceptions related to the prohibition of shooting at the operator of a motor vehicle, as enumerated in Section I.C.1.5.c.(2).**
- When [REDACTED] drove forward (after completing an approximate J- or U-turn with his front tires canted hard to the left), Officer Alcaraz

reasonably perceived that the suspect was about to attempt his fourth deadly assault upon him. Officer Alcaraz fired his weapon once at the driver of the on-coming vehicle, in his necessary self-defense from imminent danger of death or serious bodily injury, **in accordance with conditions set forth in Department General Order 5.01, *Use of Force*, Subsections I.F.1.c and I.F.1.d and DGO 5.02, Section I.C.1.a, and conforming to exceptions related to the prohibition of shooting at the operator of a motor vehicle, as enumerated in Section I.C.1.5.c.(2).**

- Officers Alcaraz and Ellis, identified themselves to [REDACTED] by using their vehicle light bar, by displaying their stars, and by announcing themselves as police officers. Prior to discharging his weapon, the officers had issued numerous verbal commands to submit to their authority, repeatedly yelling, “Stop, Police!,” **satisfying the requirements of DGO 5.02, Section I.C.2.**
- Officer Alcaraz recognized and described his backdrop during his interviews. He was firing uphill against an inclining, vacant street when he fired both his first and second sequences. He fired at the driver only in necessary self-defense, and all four rounds were in the near vicinity of his intended target, having struck the chassis and windshield in the area of the driver’s compartment. Firing in reaction to assaults by [REDACTED] Officer Alcaraz used reasonable care so as not to jeopardize the safety of innocent members of the public when he discharged his weapon, **in accordance with DGO 5.02, Section I.C.3.**
- Officer Ellis immediately notified supervisors, radioing dispatch that shots were fired and the suspect was fleeing toward Northridge Street, enabling an immediate response to the suspect’s location and the scene at Jerrold Avenue, **satisfying the requirements of DGO 5.02, Section I.D.**

Recommendations

Based on the above findings, it is recommended that Officer Gabriel Alcaraz's first sequence of fire on December 16, 2011 be deemed *In Policy and Proper Conduct*.

Based on the above findings, it is recommended that Officer Gabriel Alcaraz's second sequence of fire on December 16, 2011 be deemed *In Policy and Proper Conduct*.

Because persons under high stress revert to a response hierarchy, resorting to action that is the most "natural" or well-practiced, dynamic movement should be reinforced in training, so that officers are instinctively conditioned to move and fire. The Academy/Range staff anticipated this need and has incorporated dynamic movement into the bi-annual certification course since December 23, 2010.

Officer Alcaraz qualified on two occasions (2/22/11 and 8/23/11) after the adoption of the dynamic course. The Range course currently has three variations, ensuring that the officers train effectively to move to cover and defend themselves effectively, even under high stress-induced arousal. It takes numerous repetitions to build the muscle patterns and reaction that officers will utilize; therefore, the on-going commitment to this training is critical to developing the innate tactics that officers will revert to when engaged in a life-threatening encounter.

It is recommended that this case be forwarded to the Firearm Discharge Review Board for review per Department General Order 8.11.

Prepared by:

Sergeant John Crudo #1694


Date: _____

Approved by:

Lieutenant Robert Yick #1264

Date: _____

Attachments: IAD Final Report for OIS 11-008

Volume 1

1. Investigative Chron
2. SFPD Form 83
3. SFPD Incident Report 111-006-404
4. SFPD Incident Report 111-006-391
5. SFPD Incident Report 111-006-410
6. Certified Copy: Computer Aided Dispatch (CAD) 113-503-159
7. Vehicle Return: [REDACTED]
8. Google Maps
9. Crime Scene Investigations Reports
10. Officer Profile: Officer Michael Ellis #1994
11. Officer Profile: Officer Gabriel Alcaraz #590
12. Suspect Profile: [REDACTED] SFNO [REDACTED]
13. Homicide Detail Officer Involved Shooting Criminal Investigation Report: OIS #11-10, SFPD Case #111-006-404
14. Office of District Attorney Charging Decision Letter:
“Re: Officer Involved Shooting on December 16, 2011 (Report No. 110006404)
15. Preliminary Investigation of Officer Involved Shooting 11-008
16. Homicide Interview of Officer Ellis
17. Homicide Interview of Officer Alcaraz

Volume 2

18. IAD Interview of Officer Ellis
19. IAD Interview of Officer Alcaraz, Pt. 1
20. IAD Interview of Officer Alcaraz, Pt. 2
21. Photo Lab Scene Photos
22. IAD Photos
23. Post-Discharge Debriefing & RTD Documents
24. Effects of Stress-Induced Arousal On Performance
25. Memory Development Under Stress
26. News Coverage of Incident
27. General Order 5.01, Use of Force (Rev. 10/04/95)
28. General Order 5.02, Use of Firearms (Rev. 3/16/11)
29. Miscellaneous Notes
30. CDs